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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,209	03/23/2004	Shuichi Tsukada	OGW-0311	1922

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RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON, DC 20036

EXAMINER

FISCHER, JUSTIN R

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 12/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/806,209

Applicant(s)

TSUKADA ET AL.

Examiner

Justin R. Fischer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 032304.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over either one of Kajiwara (JP 03193510) or Numata (JP 11170824) in view of Martin (US 4,034,792), McDonald (US 4,343,342), Sakamoto (US 6,418,993), and Hendrie (US 6,536,368). Kajiwara (Figures 1 and 2) and Numata (Figures 1, 2, and 5) disclose pneumatic tire constructions in which a rubber member or "volume adjusting member" is arranged between an inner liner and a carcass layer in the bead regions. It is clearly evident from each figure that the inclusion of rubber member reduces the volume of the tire cavity by altering the contour of tire inner surface (change in section shape). The reference, however, is silent as to the formation of such members in a circumferentially discontinuous manner (intermittently arranged). In any event, it is extremely well known in the tire industry to form a wide variety of tire layers and components in either a continuous or discontinuous manner, as shown for example by Martin (Figures 1 and 6), McDonald (Column 2, Lines 1-10), Sakamoto (Column 1, Lines 30-40), and Hendrie (Column 3, Lines 30-40). In such instances, sufficient reinforcement is provided and tire weight is minimized. It is emphasized that the concept of forming tire layers in a discontinuous manner is extremely well known and conventional in the tire industry and

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as such, one of ordinary skill in the art at the time of the invention would have found it obvious to incorporate such a design in either Kajiwara or Numata depending on the desired distribution of the reinforcement. Lastly, applicant has not provided a conclusive showing of unexpected results to establish a criticality for the formation of such members in a discontinuous or intermittent fashion.

Regarding claim 2, discontinuous arrangements are commonly formed with equal spacings (see above noted references).

As to claim 3, Kajiwara teaches a thickness between 3 and 10 millimeters (Page 59, bottom right) and Numata teaches a thickness between 1.5 and 2.5 millimeters (Abstract).

3. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kajiwara (JP 03193510), Numata (JP 11170824), Martin (US 4,034,792), McDonald (US 4,343,342), Sakamoto (US 6,418,993), and Hendrie (US 6,536,368) as applied in the claims above and further in view of Yamada (JP 02106330). Kajiwara and Numata are silent as to the specific tire manufacturing method. In any event, the claimed method is consistent with the common methods of forming tires, as shown for example by Yamada (Abstract and Figures 2 and 3). In this instance, Yamada recognizes the placement of a reinforcing layer (analogous to rubber members) on each side of a base rubber sheet (analogous to inner liner), subsequently winding the assembly on a drum, and winding any additional layers and finally curing/vulcanizing the tire. It is emphasized that such a winding technique around a drum is extremely well known and extensively used in the manufacture of tires.

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Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Justin R. Fischer** whose telephone number is **(571) 272-1215**. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Justin Fischer

December 7, 2005